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AN ACT  
TO  
AMEND THE ACT RESPECTING  
THE MILITIA.

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Chapter 1, 25 Victoria, 1862.  
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PRINTED BY STEWART DERBISHIRE AND GEORGE DESBARATS,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1862.

AN ACT

TO AMEND THE ACT RESPECTING

# THE MILITIA

Chapter 1 of the Statutes



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## CAP. I.

### An Act to amend the Act respecting the Militia.

[Assented to 9th June, 1862.]

**W**HEREAS it is expedient to make the following provisions <sup>Provision.</sup> in amendment of chapter thirty-five of the Consolidated Statutes of Canada, intituled: *An Act respecting the Militia*: <sup>Cons. Stat. Canada, cap. 35.</sup> Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The following paragraph shall be added to the <sup>Sect. 20</sup> twentieth Section of the said Act, and shall make part thereof: <sup>amended.</sup>

"The Commander in Chief may, whenever he deems it <sup>Corrected Rolls</sup> necessary, order that a corrected roll of every Company of the Sedentary Militia be made out; and it shall be the duty of every Officer commanding a Company, within ten days after such order has been received, to make out such corrected Roll and to cause a copy thereof to be transmitted as provided by the foregoing provisions of this section." <sup>may be ordered at any time.</sup>

2. The twenty-second section of the said Act is hereby <sup>Sect. 22</sup> repealed and the following section shall be substituted <sup>repealed.</sup> for it, and bear the same number:

"22. The Active Militia of the Province, in time of peace, <sup>Of what the Active Militia shall consist.</sup> shall consist of Volunteer troops of Cavalry, Military Train, Field Batteries of Artillery, Garrison Batteries of Artillery, Companies of Engineers, and Companies of Infantry, and Marine and Naval Companies, to be armed and equipped according to their respective services and to be formed at such places and in such manner as may, from time to time, be designated or ordered by the Commander in Chief;—but <sup>Total strength.</sup> except as hereinafter provided the total strength of such Volunteer Corps shall not exceed ten thousand officers and men in Class A."

Sect. 31  
amended.

3. The following paragraph shall be added to the thirty-first section of the said Act, and shall make part thereof :

Uniform or  
allowance  
therefor.

" 3. Each Volunteer Militiaman shall, in the discretion of the Commander in Chief, be supplied with uniform clothing while on drill or service, or receive such sum not exceeding six dollars per annum in lieu thereof, as may be directed by the Commander in Chief; such clothing or money to be delivered to the non-commissioned officers and privates, on such conditions and upon such security as the Commander in Chief may direct; and in all cases, uniforms, arms and accoutrements, the property of the officers of Battalions or Companies, issued prior or subsequently to the passing of this Act, shall be received, held, preserved and recovered in all respects, as if the same were the property of the Crown, and shall have all the privileges incidental thereto."

Protection and  
recovery of  
uniform, arms,  
&c.

Sect. 32  
repealed.

4. The thirty-second section of the said Act is hereby repealed and the following substituted for it :

Safe keeping of  
arms, &c.

" All arms lent by the Imperial Government to the Province, and all accoutrements furnished by the Province, and distributed to the officers and men of the Active and Volunteer Militia, shall be accounted for by those who have received them; and in those localities where there are no public armories, the Commander in Chief may prescribe such precautionary measures as he deems expedient for the safe keeping in good order of such arms and accoutrements, and for the re-delivery thereof to such officer as may be appointed to receive them, whenever the Commander in Chief for any purpose directs such re-delivery."

5. The Commander in Chief may appoint Brigade Majors not exceeding one for each Military District, and may, from time to time, regulate and prescribe their duties.

Each of the said Brigade Majors shall be paid by the Province at a rate not exceeding six hundred dollars per annum, and travelling expenses.

Sect. 40.  
repealed.

6. The fortieth section of the said Act is hereby repealed, and the following section shall be substituted for it and bear the same number :

Pay of Active  
Militia on drill.

" 40. The non-commissioned officers and men of the Active Militia (Class A) shall be paid for each day of actual and *bona fide* drill not exceeding twelve in number, the sum of fifty cents per diem, and a further sum of one dollar per diem for each horse actually and necessarily present belonging to and used for such drill by such non-commissioned officers and men , "

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“2. Notwithstanding any thing contained in the thirty-eighth section of this Act, such days of drill need not be consecutive, unless so ordered by the Commander in Chief, who may also determine the manner in which such number of days of drill shall be computed.” Time for drill.

7. The forty-third section of the said Act is hereby repealed and the following section shall be substituted for it and bear the same number : Sect. 43 repealed.

“ 43. Each Sergeant Major of a Volunteer Field-Battery of Artillery shall, on account of the great responsibility attached to the Office, be paid by the Province, at the rate of two hundred dollars per annum; and the Commander in Chief may, from time to time, appoint musketry instructors, non-commissioned officers or other competent persons to be employed in drilling and instructing the officers, non-commissioned officers and men in the several Corps of Active and Sedentary Militia; Pay of certain officers. Instructors of Militia, appointment.

“ Each of such musketry instructors, non-commissioned officers and other competent persons so employed, shall be paid by the Province at a rate not exceeding one dollar and fifty cents per diem, when so employed.” Pay.

8. The Active Militia shall be paid on such proof of the performance of drill required by the said Act, at such times and in such manner as the Commander in Chief may from time to time direct. Proof of performance of drill.

9. In time of Active Service in the field, and whenever the Militia or any part thereof shall be called out by reason of invasion, insurrection or imminent danger thereof, the officers, non-commissioned officers and men of the Militia, so called out for Active Service, shall be paid at such rates of daily pay, and shall receive such allowances in every respect, as are paid and allowed to officers and men of the relative and corresponding rank or grade in Her Majesty's Army. Pay of Militia called out for Active Service.

#### CORPS FOR GENERAL SERVICE.

10. The Commander in Chief may, in the event of war, raise, in addition to the Active and Sedentary Militia of the Province, regiments of Militia by voluntary enlistment for General Service, during such war, and for a reasonable time after its termination; such regiments to be subject to all the provisions of the said Act respecting the Militia as hereby amended. Raising regiments in time of war.

#### DRILL ASSOCIATIONS.

11. The Commander in Chief may sanction the organization of associations for purposes of Drill and of independent Certain Companies may be



organized, &c.  
but not paid.

Companies of Infantry composed of professors, masters or pupils of Universities, Schools or other public Institutions, or of persons engaged in or about the same, or of reserve men; but such Associations or Companies shall not be provided with any clothing or allowance therefor, nor shall they receive pay.

Construction of  
this Act.

**12.** This Act shall be construed as forming one Act with the said Act respecting the Militia, and all words and expressions in this Act shall have the same meaning as they have in the said Act.

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Law Printer to the Queen's Most Excellent Majesty.

25 VICT.

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